

UST Program Task Force

Draft Recommendations

TITLE: ADMINISTRATIVE AUTHORITY OF SWRCB EXECUTIVE OFFICER

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BACKGROUND:

1. Petroleum based motor fuel is the most common substance stored in Underground Storage Tanks (USTs). Petroleum naturally attenuates and degrades in the subsurface, limiting the extent of petroleum groundwater plumes.
2. State Water Board Resolution 88-63 requires, with few exceptions, that all groundwater be designated as a source of drinking water.
3. State Water Board Resolution 92-49 requires that cleanup levels be no greater than water quality objectives, which are most commonly drinking water standards.
4. Regulatory decision-making authority is widely dispersed to Regional Boards, Local Oversight Program (LOP) agencies, and other local agencies. Due to this dispersed authority, actual decisions at sites can vary widely and, at times, substantially deviate from the intentions of State Water Board policy.
5. Although very necessary, the current petition process is cumbersome, slow and costly. For these reasons, and the fear of retribution from regulatory agencies, the petition process is not well utilized.

RECOMMENDATIONS:

The members of the UST Cleanup Task Force recommend that the State Water Board modify existing policies or regulations, or seek other remedies, to effect the following actions:

1. The State Water Board Executive Officer is authorized to review any environmental UST case under the jurisdiction of the Regional Boards, Local Oversight Program, Certified Unified Public Agencies, and Local Implementing Agencies and recommend No Further Action Status.
2. The Board, at their discretion, may adopt the position of the Executive Officer on their own motion without further public comment or the necessity of a case specific hearing.